

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CORNELIUS JOHNSON

Plaintiff,

CASE NO.:

vs.

**LAZER SPOT, INC., A
GEORGIA CORPORATION
Defendant.**

_____/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, CORNELIUS JOHNSON, sues the Defendant, LAZER SPOT, INC., (“Defendant”) a Georgia Corporation, and alleges:

1. Plaintiff was employed of Defendant and bring this action for unpaid overtime compensation, liquidated damages, and all other applicable relief pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

GENERAL ALLEGATION

2. Plaintiff JOHNSON worked for Defendant from approximately February 2019 to March 2022.

3. At all times, Plaintiff was merely paid by the hour by Defendant.

4. Defendant, LAZER SPOT, INC., is a “yard management” provider with over 400 sites in the United States and Canada. See www.lazerspot.com.

5. Defendant’s headquarters and principal place of business is in Alpharetta, Georgia, which is in Fulton County, Georgia and within the jurisdiction of this Court.

6. This action is brought under the FLSA to recover from Defendant unpaid overtime compensation, liquidated damages, and reasonable attorneys’ fees and costs.

7. This Court has jurisdiction over Plaintiff’s claim pursuant to 28 U.S.C. §1331 and the FLSA.

8. During Plaintiff’s employment with Defendant, Defendant earned more than \$500,000.00 per year in gross sales.

9. During Plaintiff’s employment with Defendant, Defendant employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce, including computers, vehicles, office equipment, telephones and other items.

FLSA VIOLATIONS

10. At all times relevant to this action, Defendant has failed to

comply with the FLSA by failing to pay Plaintiff complete overtime compensation.

11. During Plaintiff's employment with Defendant, Plaintiff was paid his regular hourly rate for all overtime hours worked.

12. Defendant classified Plaintiff as exempt pursuant to the motor carrier exemption contained in the FLSA.

13. However, during his employment with Defendant, Plaintiff did not move vehicles or trucks on public roads, and as such, would not be exempt under the motor carrier exemption.

14. Since Plaintiff is actually non-exempt employee, Defendant has violated the FLSA due to its above described pay practices in failing to pay Plaintiff time and one-half of his hourly rate for overtime hours worked.

15. Upon information and belief, the records, to the extent any exist and are accurate, concerning the number of hours worked and amounts paid to Plaintiff is in the possession and custody of Defendant.

COUNT I – RECOVERY OF OVERTIME WAGES

16. Plaintiff reincorporate and readopt all allegations contained in paragraphs (1) through (16) above.

17. Plaintiff was entitled to be paid overtime compensation for overtime hours worked.

18. During his employment with Defendant, Plaintiff worked overtime hours but was only paid his regular hourly rate instead of time and one-half his hourly rate for those overtime hours worked.

19. Defendant did not have a good faith basis for their decision to not pay Plaintiff complete and proper overtime compensation for overtime hours worked.

20. Because of Defendant's intentional, willful, and unlawful acts in refusing to pay Plaintiff proper compensation, Plaintiff has suffered damages plus incurring reasonable attorneys' fees and costs.

21. Because of Defendant's willful violation of the FLSA, Plaintiff is entitled to liquidated damages.

22. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, CORNELIUS JOHNSON, demand judgment against Defendant for unpaid overtime wages, liquidated damages, reasonable attorneys' fees and costs incurred in this action, and any and all further relief that this Court determines to be just and appropriate.

Dated this 10th day of May, 2022.

/s/ C. RYAN MORGAN

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